IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

Crl.Rev.Pet.No. 2159 of 2007()

CRA.591/2001 of SESSIONS COURT, THALASSERY
CC.168/2001 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED (A1):

RIYAZ, S/O. ASSU,
AGED 35 YEARS, RESIDING AT THIRUVANGAD AMSOM,DESOM
THALASSERY TALUK, KANNUR DISTRICT.

BY ADV. SRI.P.P.RAMACHANDRAN

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA (SHO, CHOKLI POLICE
STATION), KANNUR DISTRICT, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

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Crl.R.P. No.2159/2007

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Dated: 20-06-2007

O R D E R

In this Revision filed under Section 397 read with Sec. 401 Cr.P.C. the petitioner challenges the conviction entered and the sentence passed by the courts below for an offence punishable under Section 380 IPC read with Section 34 IPC.

2. I heard the learned counsel for the Revision Petitioner and the learned Public Prosecutor.

3. Even though the learned counsel appearing for the Revisions Petitioner assailed the judgments, the finding recorded by the courts below are on the basis of appreciation of the oral and documentary evidence. Both the courts have believed the prosecution witnesses and sitting in the rarefied revisional jurisdiction, this court will be loathe in interfering with the concurrent findings. I do not find any error, illegality or impropriety in the finding recorded by the courts below.

4. What now survives for consideration is the question as to whether a proper sentence has been imposed on the Revision Petitioner.

5. I am of the view that as against the sentence of rigorous imprisonment of one year imposed by the courts below the following sentence will meet the ends of justice. Accordingly for his conviction under Section 380 IPC read with Section 34 I.P.C. the Revision Petitioner is sentenced to rigorous imprisonment for four months. The revision petitioner is entitled to set off under Section 428 Cr.P.C.

This Revision is disposed of confirming the conviction but modifying the sentence as above.

V. RAMKUMAR, JUDGE.

mrcs